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REMARKS

In the application, Claims 1 - 25 are pending and rejected. After due consideration of the Examiner's comments in the Office Action dated December 24, 2003, the claims have been amended as set forth above. In view of the foregoing amendments and the following arguments, Applicant submits that the claims are patentably distinct over the cited prior art and requests that the Examiner reconsider the application as amended.

The Examiner rejects claims 1, 7, 11, 12, 16-18, 21 and 22 under 35 U.S.C. §102(b) as being anticipated by Benjamin (Pat. No. 1,880,399).

In response, Claims 1, 18 and 21 have been amended to include additional limitations to clarify the fact that the cowl, collar and light-emitting portion of the lamp are all exposed to external elements.

It is submitted that the structure of Benjamin that corresponds to the cowl, i.e., the casing 1, may have an outer or distal end, but it does not, in fact, have an *open end* because it is fully sealed against external elements by lens 26 and a clamping structure 25. Thus, contrary to Applicant's claimed invention, the distal end of the cowl 1, the light-emitting portion of the lamp and the external surface of the collar (reflector 22) are all sealed against the external elements. The problems addressed by Applicant's invention are not an issue that would ever be encountered with enclosed floodlights such as disclosed by Benjamin. Applicant's invention is intended to solve the problem of protecting the electrical contacts in an outdoor pathlight fixture that is typically open to, i.e., not sealed against, external elements.

It is submitted that the Benjamin patent fails to disclose each and every element of the invention as claimed in the amended claims, and that it, therefore, cannot anticipate Applicant's invention as now claimed. In view of the fact that the remaining claims rejected under §102(b) are dependent from patentably distinct base claims, it is submitted that the prior art rejections of the dependent claims have similarly been overcome. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 1, 18, and 21, and the claims depending therefrom, under §102(b).

The Examiner rejects Claims 2-6, 19 and 23 under 35 U.S.C. §103(a) as being unpatentable over Benjamin in view of Burdick (Pat. No. 1,430,354) alone or further in view of Gabrius et al (Pat. No. 6,361,193 B1).

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Applicant respectfully submits that in view of the foregoing amendments and comments, Claims 2-6, 19 and 23, all being dependent on patentable base claims, are similarly patentable.

Burdick teaches a therapy lamp that has a perforated housing designed to ventilate the lamp to avoid overheating. In addition to the perforated housing, the Burdick lamp has an open aperture at the distal end of the structure to permit reflected light to escape. Thus, the Burdick lamp is fully open, with no protection against external elements. However, since the therapy lamp is to be used in indoor settings only, external elements are not a problem to be addressed. The inner wall of the “collar” has a surface coating of natural porcelain enamel to act as a diffuser and reflector. Since the lamp is not intended for outdoor use, this absence of a sealed chamber is of little importance and the coating is not provided for corrosion resistance.

The Benjamin floodlight is fully sealed to provide a “substantially weatherproof lighting fixture”. The Examiner states that it would be obvious to modify the light fixture of Benjamin by providing a collar having its surface coated with enamel as taught by Burdick for the benefit of high reflectivity, protection against corrosion degradation, and easy surface cleaning. However, it is respectfully submitted that because the lamp of Benjamin is fully sealed, its reflectors are not exposed to corrosive materials and thus, not subject to corrosion degradation. Further, other than a few fingerprints that might have been left when the bulb was changed, cleaning of the reflectors is not an issue. Benjamin addresses the problems of external corrosion by not exposing any of the lamp’s internal structure to corrosive elements. Thus, there would have been no motivation to utilize the teachings of Burdick with regard to applying a corrosion-resistant coating to the collar since none would ever be required.

It is submitted that in order to arrive at Applicant’s claimed invention using the combination of Benjamin and Burdick, one would first need have a reason for remove the lens and seal of Benjamin while still retaining a degree of weather resistance for the contacts. Second, one would need to ignore the fact the Burdick teaches nothing about weather resistance since it doesn’t have any need for protection against external elements. Then, it would be necessary to make the mental leap to reach the conclusion that features of a non-weather-resistant fixture (Burdick) would provide increased weather-resistance to the Benjamin floodlight after its own weather-resistant qualities had been eliminated. Applicant respectfully submits that this leap could only have been made using the teachings of the present application, i.e., that the combination was made through hindsight.

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Accordingly, it is submitted that the light fixture as claimed in the amended claims is not obvious from the combination of Benjamin and Burdick because making such a combination would not be obvious.

The Gabrius et al. patent is cited for its teaching of a reflector which has its surface coated with high reflectivity powder paint. For the reasons set forth above, with regard to the non-obvious combination of Benjamin and Burdick, it is respectfully submitted that further combination of Gabrius et al. does not provide the needed motivation for combining Benjamin and Burdick and, therefore, does not render Applicant's invention obvious.

The Examiner rejects Claims 9, 13, 14, 20 and 24 under 35 U.S.C. §103(a) as being unpatentable over Benjamin in view of Forrest (Pat. No. 4,464,707). Forrest is cited for its use of an O-ring sealing element.

Applicant concedes that the use of a O-ring in a light fixture is not, in itself, new, particularly in view of Applicant's earlier patents such as Pat. No. 6,491,407. However, Applicant has claimed the use of an O-ring in the light fixture of the base claims (Claims 1, 18 and 21. In view of the comments above relative to the failure of Benjamin teach or suggest Applicant's invention as claimed in any of the base claims, it is submitted that the fixture further modified by the limitation of the cited claims is similarly patentably distinct from the cited combination.

The Examiner rejects Claim 15 under 35 U.S.C. §103(a) as being unpatentable over Benjamin in view of Katougi (Pat. No. 6,234,649 B1). Katougi is cited for its disclosure of a ground spike couples to the stem.

Applicant concedes that the use of a ground spike with an outdoor light fixture is not, in itself, new, particularly in view of Applicant's earlier patents such as Pat. No. 5,649,760. However, Applicant has claimed the use of a ground spike in the light fixture of the base claims. In view of the comments above relative to the failure of Benjamin to teach or suggest Applicant's invention as claimed in the base claims, it is submitted that the fixture further modified by the limitation of Claim 15 is similarly patentably distinct over the cited combination.

In view of the foregoing amendments and arguments, Applicant submits that all bases for rejection have been overcome and that the amended claims are allowable over the prior art.

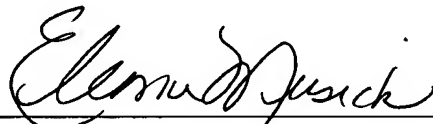
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Accordingly, Applicant respectfully requests that the Examiner withdraw the prior rejections and issue a notice of allowance of all claims now in the application.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to contact the undersigned attorney for Applicant using the contact information listed below.

Respectfully submitted,

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